

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

**Agenda Item Number
Meeting Date 05/06/99**

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES

REVIEWED BY: HOWARD C. HARGIS, CITY ENGINEER

BRIEF: This is the second public hearing for the partial abandonment of an existing waterline easement within the Tempe Business Center, located at Hardy Drive, south of Elliot Road.

COMMENTS: ABANDONMENT (0901) ORDINANCE NO. 99.10 This is the second public hearing for the partial abandonment of an existing waterline easement within the Tempe Business Center, located at Hardy Drive, south of Elliot Road. A replacement easement will be dedicated to the City of Tempe for a waterline.

Document Name: (990506PWSB01) Supporting Documents: Yes

SUMMARY: The waterline easement to be abandoned was recorded on the plat of Tempe Business Center, recorded in Maricopa County Records, Book of Maps 470, Page 43. Staff supports the abandonment.

RECOMMENDATION:

That the City Council set a public hearing and adopt ordinance No. 99.10 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.10

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, PARTIALLY ABANDONING A WATERLINE EASEMENT LOCATED AT HARDY DRIVE, SOUTH OF ELLIOT ROAD, WITHIN THE TEMPE BUSINESS CENTER SITE.

WHEREAS, it has been determined by the City Council of the City of Tempe that a portion of a certain easement which was intended for a waterline is no longer required by the City of use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said portion of easement , and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate portion of an existing easement which was intended for a waterline as described and delineated on EXHIBIT "A" attached hereto.

SECTION II. That all rights of the City in the portion of easement to be abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

SECTION III. That the abandonment of the foregoing portion of waterline easement is specifically conditioned upon the owners of the property dedicating a new waterline easement to the City of Tempe. Upon fulfillment of the conditions herein, the City Engineer or his designee shall record an "Affidavit of Compliance" stating that the conditions herein have been satisfied.

SECTION IV. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 1999.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

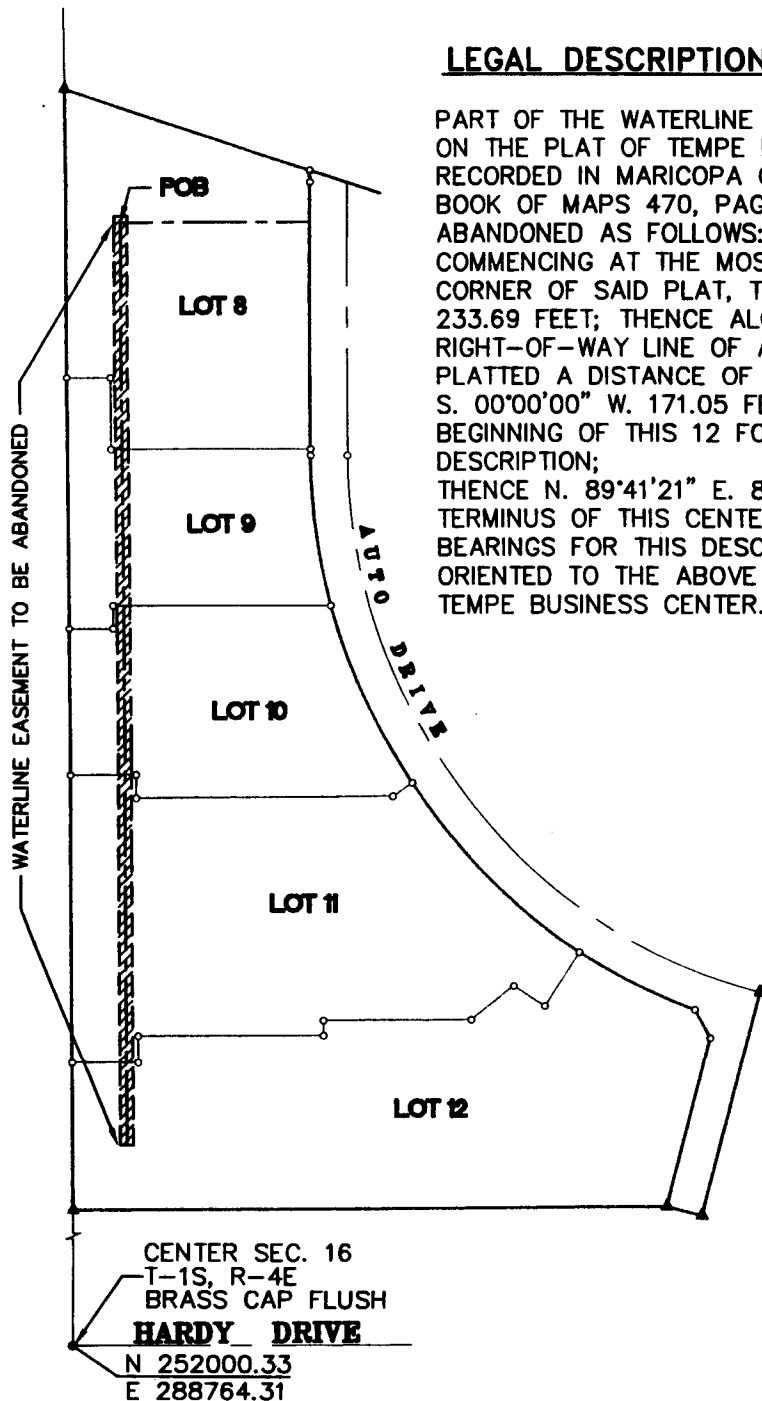
City Attorney

EXHIBIT "A"

EASEMENT ABANDONMENT EXHIBIT

LEGAL DESCRIPTION

PART OF THE WATERLINE EASEMENT SHOWN ON THE PLAT OF TEMPE BUSINESS CENTER, RECORDED IN MARICOPA COUNTY RECORDS, BOOK OF MAPS 470, PAGE 43, IS TO BE ABANDONED AS FOLLOWS:
COMMENCING AT THE MOST SOUTHWESTERLY CORNER OF SAID PLAT, THENCE N. 18°34'20" E. 233.69 FEET; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF AUTO DRIVE AS PLATTED A DISTANCE OF 47.65 FEET; THENCE S. 00°00'00" W. 171.05 FEET TO THE POINT OF BEGINNING OF THIS 12 FOOT WIDE CENTERLINE DESCRIPTION;
THENCE N. 89°41'21" E. 838.73 FEET TO THE TERMINUS OF THIS CENTERLINE DESCRIPTION. BEARINGS FOR THIS DESCRIPTION ARE ORIENTED TO THE ABOVE DESCRIBED PLAT OF TEMPE BUSINESS CENTER.



Mark P. Sidler

NOTE:

THIS IS NOT A SURVEY



NO SCALE



PLANNING - CIVIL ENGINEERING - SURVEYING
LEME ENGINEERING INC.
3608 WEST BETHANY HOME ROAD
PHOENIX, ARIZONA 85019
PHONE (602) 841-6904 FAX (602) 841-6351

EASEMENT ABANDONMENT EXHIBIT

"TEMPE BUSINESS CENTER"

LOTS 8 THROUGH 12